

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIK KHAN,

Plaintiff,

v.

No. CV 15-1151 MV/SMV

**CHRIS BARELA, ELVA BRIGHT,
GORDON DEVEREAUX, BILL STICKLES,
FNU BEAM, JUSTIN PORTER,
VICKI HOOSER, CHERYL ROACH,
JASON DURAN, TAMMY RUSH, and
DOÑA ANA COUNTY,**

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b),
AND TO MAKE PAYMENTS OR SHOW CAUSE**

THIS MATTER is before the Court on Plaintiff's Pro Se Motion to Proceed in Forma Pauperis [Docs. 3, 4], filed on December 14, 2015. Because the Court grants the motion, the filing fee for this civil rights complaint is \$350.00. Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is required to make installment payments until the full amount of the filing fee is paid. Based on the information about Plaintiff's financial status, the Court finds that Plaintiff owes an initial partial payment of \$109.49 pursuant to § 1915(b)(1). The Court will not review the merits of the civil rights complaint unless the initial partial payment is paid or excused. If Plaintiff fails to make a payment by the designated deadline or show cause why such payments should be excused, the civil rights complaint may be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED that Plaintiff's Pro Se Motion to Proceed in Forma Pauperis [Docs. 3, 4] is **GRANTED**.

IT IS FURTHER ORDERED that, within 30 days from entry of this order, Plaintiff send to the Clerk an initial partial payment of \$109.49 or show cause why the payment should be excused.

IT IS FURTHER ORDERED that the Clerk provide Plaintiff with two copies of this order, and that Plaintiff make the necessary arrangements to attach one copy of this order to the check in the amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the initial partial fee, Plaintiff make monthly payments of 20% of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge